

STATE OF VERMONT
HUMAN SERVICES BOARD

In re) Fair Hearing No. 10,827
)
Appeal of)

INTRODUCTION

The petitioner appeals the Department of Social Welfare's denial of medical assistance to him through the General Assistance (G.A.) program.

FINDINGS OF FACT

1. The petitioner is a single sixty-year-old male who takes medication for a psychiatric illness. His sole source of income is \$671.00 per month in Social Security payments.

2. In April of 1991, he requested and received assistance from the Department in filling out a Medicaid application. In his application, he indicated that he had a life insurance policy which had a cash surrender value. After investigation, the Department determined that the value of the policy was above the resource limit but that he could either spend some of the money or use it to prepay a burial expense and become eligible. The petitioner refused to take either action and was determined to be ineligible. The petitioner did not appeal that Medicaid denial.

3. On August 29, and September 20, the petitioner was granted G.A. for medication as a "special exception". On October 21, 1991, the petitioner again applied for G.A. to pay

for his medication. The petitioner presented no evidence then or at the hearing that he has been unable to obtain or pay for his medication from his Social Security payments. He appears to be applying for benefits out of his belief that his medical care should be covered by the state regardless of his income.

The information he gave to the worker indicated that he had \$671.00 in income for the previous thirty days and \$559.00 in living expenses (\$350.00 - rent; \$24.00 - gas; \$30.00 - electricity; \$25.00 - storage; \$100.00 - food; and \$30.00 - laundry).

4. On the same day he applied, he was denied G.A. because his income was greater than Departmental standards.

He was encouraged again to apply for Medicaid but he refused.

5. The petitioner had a great deal of difficulty staying on track at the hearing and could not make it clear whether he was actually getting or taking his medication at present but did not dispute the figures or calculations put forth by the Department. The petitioner was angry and contentious and had a myriad of complaints he wanted to air against the state hospital and several other state agencies.

He had difficulty accepting the hearing officer's explanation about the limited jurisdiction of the Board and vehemently rejected suggestions that he re-apply for Medicaid.

ORDER

The Department's decision is affirmed.

REASONS

The General Assistance Regulations require that assistance be granted to non able-bodied persons without dependents only if they "have received during the thirty day period immediately prior to application net income computed pursuant to General Assistance regulations which is below the applicable ANFC payment level for that size household in similar living arrangements". W.A.M. § 2600(c)(i). The amount applicable to a one person household is \$435.00. W.A.M. § 2245.2, 2245.3. If the petitioner has received an amount in excess of \$435.00 per month, G.A. is only available if he presents a "catastrophic situation". W.A.M. § 2600(c). In terms of health care, "catastrophic situation" is defined as follows:

An emergency medical need. Actions which may be evaluated as emergency in nature include, but are not limited to, the following:

1. Repair of accidental injury;
2. Diagnosis and relief of acute pain;
3. Institution of treatment of acute infection;
4. Protection of public health; or
5. Amelioration of illness, which if not immediately diagnosed and treated could lead to disability or death.

W.A.M. § 2602(d)

The petitioner in this matter is over income for "regular" G.A. and so, if he is to be found eligible, it must be under one of the above criteria. The evidence which

the petitioner presented does not indicate that he has any of the above emergency medical needs. This tribunal is not, however, unmindful of the fact that although the petitioner is a very intelligent person he may be prevented by his mental illness from presenting all the pertinent information. If he or someone assisting him can verify that he cannot pay for his medicine and that his condition will deteriorate without it, he may be eligible for assistance.

The petitioner was advised at the hearing both to reapply for Medicaid and to seek the assistance of legal aid, suggestions which were received with great hostility and rejected by the petitioner.

#